IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1037 (S/S) of 2007

1. Vishwajeet Bhartiya aged about 27 years S/o Sir Gagan Singh
   R/o Afzalgarh Road Near Swagat Restaurant Jaspur,
   District Udham Singh Nagar
2. Shivom S/o Sri Harish Chandra Agrawal
   R/o Mohalla Bhoop Singh Jaspur, District Udham Singh Nagar
3. Nitin Chauhan S/o Sri Dharmendra Chauhan
   R/o Near Chauhan Sabha, Mohalla Julahan Jaspur
   District Udham Singh Nagar
4. Uday Pal Singh Chauhan S/o Sri Jai Prakash Chauhan
   R/o Ward No. 1, Jail Camp Road Sitarganj
   District Udham Singh Nagar

------- Petitioner

Versus

1. State of Uttarakhand through its Secretary,(Basic Education),
   Dehradun, District Dehradun
2. Director of Education (Basic) Uttarakhand Dehradun,
   District Dehradun
3. Additional Director, State Education Anusandhan and
   Training Board, Uttarakhand Narendra Nagar
   District Tehri Garhwal.
4. Principal, District Education and Training Institute Rudrapur,
   District Udham Singh Nagar -------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapliyal, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus directing to the respondents to consider the candidature of each of the petitioner for special B.T.C. Training Course after taking into consideration that their provisional mark sheets

pertaining to B.Ed. Training Course was issued prior to the date of issuance of the advertisement and their application may not be rejected merely on the ground that their main mark sheets contains the date which is subsequent to the date of issuance of the advertisement.

2. Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case.

3. Award the cost of the petition to the petitioners.

The case of the petitioner is that prior to publication of advertisement for inviting applications for special B.T.C. Training Course, their result of B.Ed. for academic session 2004-05 was declared and the petitioners had passed the B.Ed. examination from Chaudhary Charan Singh University as a regular student. The petitioners have been issued provisional mark-sheets on 01.06.2006, 12.05.2006, 09.06.2006 and 09.06.2006 respectively. Because the mark-sheets were issued under the order of the High Court subject to the decision of the writ petition, later on, original mark-sheet were also issued to the petitioners on 27.07.2006, 29.07.2006, 01.08.2006 and 01.08.2006 respectively, which is the date after the publication of the advertisement and, consequently, the mark-sheets submitted by the petitioners have not been considered by the respondents on the ground that original mark-sheets were issued to the petitioners after publication of the advertisement.

Learned counsel for the petitioners has submitted that in fact, the petitioners have already passed the B.Ed. examination much prior to the advertisement.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation raising all their grievances before respondent no. 1, Secretary Education, Dehradun and Secretary Education, Dehradun is directed to pass appropriate order on the representation of the petitioners within a period of one week from the date of production of a certified copy of this order along with the representation, if any. It is also expected from the State Government to make a uniform Policy in this matter and then pass necessary directions to the Officers concerned.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

10.08.2007
VKS